

BEFORE THE ADMINISTRATOR

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

Respondent moved for and was granted four Extensions of Time for Answer to Complaint based on the actions of the Parties to negotiate settlement of the alleged violations without the need for litigation. The following Consent Agreement and Final Order is the result of such negotiations and represents full and complete settlement of liability and penalty for all causes of action which arose out of the factual allegations set forth in the administrative claims alleged in the Complaint.

CONSENT AGREEMENT

The Complainant and Respondent hereby agree as follows:

1. Respondent admits the jurisdictional allegations of the Complaint.
2. Respondent neither admits or denies the factual allegations set forth in the Complaint, which is incorporated herein by reference.
3. Respondent waives its right to contest the allegations of the Compliant and its right to appeal the Final Order accompanying this Consent Agreement.
4. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.
5. Respondent certifies by the signing of this Consent Agreement that to the best of Respondent's knowledge, it is presently in compliance with the requirements of EPA's Findings of Violation and Order for Compliance dated October 7, 2003, Docket No. CWA-07-2004-0003, and that every effort is being made to comply with the requirements of Section 301 and 402 of the CWA, 33 U.S.C. § 1311 and 1342, and the applicable regulations promulgated thereunder. Respondent acknowledges that neither this certification nor compliance with the above referenced Administrative Order excuse future violations of the CWA or its implementing regulations.
6. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of Seventeen Thousand Dollars (\$17,000) to be paid within thirty (30) days of the effective date of the Final Order.
7. Each signatory to this Agreement certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order.

8. Respondent understands that its failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 6 above may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after thirty (30) days and an additional \$15 will be charge for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

FINAL ORDER

Pursuant to the provisions of the Clean Water Act (CWA), 33 U.S.C. § 1251, *et seq.*, and based upon the information set forth in the Consent Agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Respondent shall pay a mitigated civil penalty of Seventeen Thousand Dollars (\$17,000) within thirty (30) days of the effective date of this Final Order. Such payment shall identify the Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

EPA-Region 7
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251.

2. A copy of the check shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7

901 N. 5th Street
Kansas City, Kansas 66101; and
Patricia Gillispie Miller
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
901 N. 5th Street
Kansas City, Kansas 66101

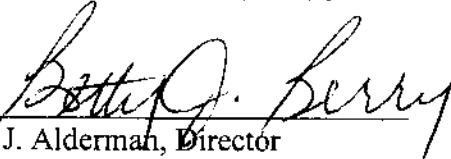
3. Respondent and Complainant shall each bear their own costs and attorneys' fees incurred as a result of this matter.

4. This Order shall be entered and become effective only after the conclusion of the period of public notice and comment required pursuant to Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.


5. This executed Consent Agreement and Final Order shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

COMPLAINANT:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY


By: 
for Leo J. Alderman, Director
Water, Wetlands and Pesticides Division

Date: April 7, 2004

By: 
Patricia Gillispie Miller
Senior Assistant Regional Counsel

Date: April 7, 2004

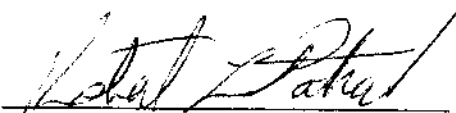
RESPONDENT:
CITY OF PARKVILLE, MISSOURI

By: 
Gerry Richardson
Interim Mayor, City of Parkville, Missouri

Date: 4/6/04

IT IS SO ORDERED. This Order shall become effective immediately.

Date: April 7, 2004


ROBERT L. PATRICK
Regional Judicial Officer
EPA, Region 7

IN THE MATTER OF City of Parkville, Missouri, Respondent
Docket No. CWA-07-2004-0002

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Patricia Gillispie Miller
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Terry J. Satterlee
Jessica E. Merrigan
2345 Grand Blvd., Suite 2800
Kansas City, Missouri 64108-2684

Dated: 4/8/04


Kathy Robinson
Regional Hearing Clerk